

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**TROY KING, on behalf of himself and
other past and present employees
similarly situated,**

Plaintiffs,

vs.

**ASSET APPRAISAL SERVICES,
INC. and MICHAEL COX,**

Defendants.

8:05CV27

ORDER

This matter is before the court on plaintiff's MOTION FOR RECONSIDERATION (#41) of the December 12, 2005 order regarding the notices of collective action distributed by the plaintiff. Defendant objects to reconsideration. *See* #44.

Plaintiff's attorneys advise that only one defective notice was sent. The December 12 order does not require plaintiff to re-send any notices that were correct to begin with. In this regard, the order simply provides:

1. Plaintiff is hereby ordered to serve Notices of Collective Action that fully comply with the forms approved in the court's December 2, 2005 order. Plaintiff's attorney shall then file an affidavit attesting that the plaintiff has, in fact, complied with this requirement.

If, in fact, plaintiff only sent out one defective notice, plaintiff can comply with the December 12 order by filing an affidavit attesting that complying forms were distributed to sixteen individuals, and that a corrected complying form was sent to Mr. Tom Kelly pursuant to the December 12 order.

IT IS ORDERED that the MOTION FOR RECONSIDERATION (#41) is denied.

DATED December 19, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge